

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014060765

v.

LOS ALTOS SCHOOL DISTRICT,

LOS ALTOS SCHOOL DISTRICT,

OAH Case No. 2014120366

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On December 24, 2014, the parties filed with the Office of Administrative Hearings a joint request to continue the dates in this matter based upon the following: 1) Los Altos will be engaged in another due process hearing which is set to begin next week and continue through the dates set for hearing in this case; 2) Los Altos' representative and Director of Special Education is a necessary witness in both hearings; 3) Los Altos does not have sufficient facilities to accommodate two hearings at the same time; and 4) Student's counsel requires additional time to prepare for the recently consolidated hearing. This is the third request for a continuance in this case.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other

pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. **The parties are advised that OAH will not grant any further continuances absent a showing of exceptional good cause as this matter has been pending since June 2014.** This matter will be set as follows:

Prehearing Conference: March 16, 2015, at 10:00 a.m.¹

Due Process Hearing: March 24, 2015, at 9:30 a.m., March 25-26, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: December 24, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ The parties have not participated in a PHC on the consolidated matter. The parties shall timely file an amended PHC statement if there are any changes to their identified witnesses or exhibits.